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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SURGICAL INSTRUMENT SERVICE
COMPANY, INC.,

Plaintiff,

v.

INTUITIVE SURGICAL, INC.,
Defendant.

Case No. 3:21-cv-03496-AMO

**DECLARATION OF DR. JAIME
WONG IN SUPPORT OF OMNIBUS
SEALING MOTION IN
CONNECTION WITH
DEFENDANT'S MOTION IN
LIMINE NO. 1**

The Honorable Araceli Martínez-Olguín

1 I, DR. JAIME WONG, declare as follows:

2 1. I am a Senior Vice President and Senior Medical Officer at Intuitive Surgical, Inc.
3 (“Intuitive”). I have personal knowledge of the facts set forth herein, and if called to testify, I
4 could and would testify competently hereto.

5 2. Intuitive has, from time to time, solicited feedback from hospitals and surgeons
6 regarding its products and services, either on its own or by engaging a consulting firm to do so.
7 The results of such surveys contain proprietary information that Intuitive uses to formulate its
8 business strategies. If the results of these surveys were made public, Intuitive’s competitors
9 would gain insight into market participants’ views of Intuitive, and could better allow them to
10 gain insight into Intuitive’s potential future business strategies, and adjust their own business
11 strategies in response. That would harm Intuitive’s competitive standing and result in potential
12 loss of Intuitive’s business. Disclosure of this information could also cause Intuitive competitive
13 harm by allowing its competitors to short-cut and unfairly take advantage of Intuitive’s
14 proprietary survey results, which Intuitive expended significant resources to obtain, without
15 having to undertake their own market research research. Exhibits 11, 21, and 24 to the
16 Brachman Declaration in Support of Intuitive’s Motion in Limine No. 1 contain such survey
17 results.

18 3. Similarly, Exhibit 1 to the Declaration of Joshua van Hoven in support of
19 Plaintiff’s Opposition to Intuitive’s Motion in Limine No. 1 consists of an internal Intuitive
20 presentation collecting information about the use by Intuitive’s customers of unauthorized
21 remanufactured instruments. The information contained in this presentation was collected by
22 Intuitive, and the presentation reveals Intuitive’s business strategy in response to receiving this
23 information. If this presentation were made public, Intuitive’s competitors would gain insight
24 into Intuitive’s customers’ behaviors and Intuitive’s business strategies, and adjust their own
25 business strategies in response. That would harm Intuitive’s competitive standing and result in
26 potential loss of Intuitive’s business.

27 4. Certain sensitive and non-public financial information appear in the materials I
28 have reviewed and that I understand have been filed in the deposition transcripts reflected at the

end of this paragraph. Intuitive does not publicly report this information. Intuitive has also invested significant resources in developing its pricing strategy. Disclosure of this confidential pricing information would result in unfair harm to Intuitive's business and harm Intuitive's competitive standing, because it would give other parties insight into Intuitive's business and allow them to use that competitive intelligence to further their own pricing strategies without investing similar resources.

Document	Excerpt
Ex. 3 – Van Hoven Decl. in support of SIS's Opposition to Intuitive's Motion in Limine No. 1	Pages 76–77, redacted portions Page 125, redacted portions
Transcript of the deposition of Glenn Vavoso	
Ex. 4 – Van Hoven Decl. in support of SIS's Opposition to Intuitive's Motion in Limine No. 1	Pages 52–58, redacted portions Pages 73–75, redacted portions Page 77, redacted portion
Transcript of the deposition of Ronal Lee Bair, Jr.	Pages 92–93, redacted portions Pages 146–147, redacted portions

5. Certain confidential and non-public business strategy information regarding Intuitive's potential introduction of new products, and how Intuitive would view and react to new competitors entering the market, appear in the materials I have reviewed and that I understand have been filed in the deposition transcript reflected at the end of this paragraph. Disclosure of this confidential business strategy information would result in unfair harm to Intuitive's business and harm Intuitive's competitive standing, because it would give other parties insight into Intuitive's business and allow them to use that competitive intelligence to further their own business strategies.

Document	Excerpt
Ex. 3 – Van Hoven Decl. in support of SIS’s Opposition to Intuitive’s Motion in Limine No. 1 Transcript of the deposition of Glenn Vavoso	Pages 154–164, redacted portions
Ex. 4 – Van Hoven Decl. in support of SIS’s Opposition to Intuitive’s Motion in Limine No. 1 Transcript of the deposition of Ronal Lee Bair, Jr.	Pages 81–83, redacted portions Pages 93–95, redacted portions

I declare under the penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: November 25, 2024

By: 

JAIME WONG, M.D.

FILER'S ATTESTATION

I, Kenneth A. Gallo, am the ECF User whose ID and password are being used to file this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that the signatory identified above has concurred in this filing.

Dated: November 25, 2024

By: /s/ Kenneth A. Gallo
Kenneth A. Gallo

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